

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SPECTRUM BRANDS, INC.,

Defendant.

ORDER

15-cv-371-wmc

The court is in receipt of the parties' objections to witnesses and exhibits. In light of those objections, the court rules as follows:

1. The court will review all expert narratives and written reports in advance of the civil penalty hearing on Tuesday, February 21, 2017. Therefore, experts need only appear in person if the other side wants to cross-examine them before the court. Both sides should indicate which opposing experts they want to appear in person by 4:30 p.m. on Friday, February 17, 2017. If either side has objections to an expert's opinions, including relevance, those can be argued to the court at the close of evidence.
2. By 4:30 p.m. on Friday, February 17, the parties shall provide a *final* list of *their* witnesses who will appear in person to testify. For any remaining witness whose testimony will be proffered by a party through deposition testimony, rather than appearing in-person, the proponent of that testimony shall provide a copy of that witness's deposition transcript marking in red portions of testimony designated by the proponent, marking in blue counter-designations by the opponent, and

marking in yellow any testimony objected to by either side. (As long as consistent and legible, either party may substitute the color coding suggested in this order with a different marking scheme.) The inclusion, exclusion or inaccurate marking of transcripts on which the court has already ruled, including hearsay, may result in sanctions.

3. The court will hold a telephonic conference with the parties at 3:00 p.m. tomorrow, February 16, to address any part of this order or other housekeeping matters that may remain in advance of the February 21st hearing. Plaintiff's counsel shall initiate that call.
4. The parties shall provide to the court on the morning of the evidentiary hearing an electronic *or* hard copy of all exhibits that have been stipulated to or will be offered into evidence.

Entered this 15th day of February, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge